

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

J&J SPORTS PRODUCTIONS, INC.,	§	
	§	
Plaintiff,	§	
VS.	§	CIVIL ACTION NO. C-08-270
	§	
LIVE OAK COUNTY POST NO. 6119	§	
VETERANS OF FOREIGN WARS; dba VFW	§	
POST 6119; aka LIVE OAK COUNTY VFW	§	
POST 6119, <i>et al</i> ,	§	
	§	
Defendants.	§	

ORDER

On September 2, 2009, the Court held a hearing in the above-styled action to assess damages and attorney's fees, as provided under 47 U.S.C. § 605(e)(3)(C)(i)(II) and § 605(e)(3)(B)(iii), following the jury's finding that Defendant Live Oak County Post No. 6119 Veterans of Foreign Wars committed a violation of the Communications Act, 47 U.S.C. § 605(a). (D.E. 76.)


Section 605(e)(3)(C)(i)(II) gives the Court discretion to determine the amount of statutory damages in the range between \$1,000 and \$10,000 for each violation. 47 U.S.C. § 605(e)(3)(C)(i)(II) ("the party aggrieved may recover an award of statutory damages for each violation of subsection (a) of this section involved in the action in a sum of not less than \$1,000 or more than \$10,000, as the court considers just"); Entertainment by J&J, Inc. v. Al-Waha Enterprises, Inc., 219 F. Supp. 2d 769, 775-76 (S.D. Tex. 2002). The Court, having considered Plaintiff's Brief in Support of Statutory Damages (D.E. 83) and the Parties' oral arguments, awards Plaintiff \$1,000 in statutory damages for Defendant's violation of 47 U.S.C. § 605. Because the jury found that the act was committed willfully, but not for the purposes of direct or

indirect commercial advantage or private financial gain (D.E. 76), the Court does not impose additional, punitive damages, as provided by 47 U.S.C. § 605(e)(3)(C)(ii). The verdict also precludes an award of less than \$1,000, pursuant to 47 U.S.C. § 605(e)(3)(C)(iii).

As the prevailing party, Plaintiff is entitled to an award of its costs, including reasonable attorney's fees. 47 U.S.C. § 605(e)(3)(B)(iii). The Court, having considered the Parties' written submissions and oral arguments, awards reasonable attorney's fees in the amount of \$6,000.

The Plaintiff is hereby awarded statutory damages in the amount of \$1,000 and reasonable attorney's fees in the amount of \$6,000. Final Judgment will be entered by separate Order.

SIGNED and ORDERED this 3rd day of September, 2009.



Janis Graham Jack
United States District Judge